

REMARKS

Claims 15 – 25 and 27 – 31 are in the application. Claim 15, 16, 19, 20, 22 – 25 and 27 – 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kade et al., U.S. Patent 5,522,859 (“Kade”). The Examiner states that Kade discloses a hybrid brake control system including regenerative and friction brakes, with friction brakes being applied on at least a first axle, and regenerative brakes being applied to a second axle. The Examiner continues with the statement that Kade discloses an ABS system which proportions the friction/regenerative braking based on the amount of wheel slip. The Examiner admits that Kade lacks the teaching of reducing regenerative braking applied to one axle and increasing non-regenerative braking applied to a single wheel of a second axle to maintain vehicle controllability. Rather, the Examiner argues that it would have been obvious at the time the invention was made to have designed the system of Kade to reduce regenerative braking to the wheels of a first axle or increasing the friction braking to a single selected wheel of a second axle. Applicant respectfully traverses this rejection and requests that Claims 15, 16, 19, 20, 22 – 25 and 27 – 31 be reconsidered in view of these remarks and passed to issue over the Examiner’s rejection.

The fact of the matter is that Kade’s system is centered about ABS. As is well known, ABS reduces the brake power associated with a given wheel so as to prevent wheel slip. In other words, the braking available by the wheel is reduced. In contravention of this concept, Applicant’s claimed invention sets forth a system for reducing regenerative braking the wheel of a first axle, while increasing non-regenerative braking to a single selected wheel of a second axle. In other words, the braking is increased for a single wheel, rather than being decreased, as would be the case while employing an ABS system. This limitation is found in each of the independent claims of this case i.e. Claims 15, 25 and 27. As a result, Kade teaches away from the claimed invention, as set forth in each independent claim, and Claims 15, 16, 19, 20, 22 – 25 and 27 – 31 are therefore allowable over Kade and should be passed to issue over the Examiner’s rejection. Such action is earnestly solicited.

Claims 17, 18 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kade in view of Tatara et al., U.S. Patent 6,704,627 ("Tatara"). In this regard, the Examiner imports from Tatara the teaching of providing drive and regenerative braking forces to the rear wheels of a vehicle based upon a number of vehicle conditions including yaw rate and lateral acceleration. The Examiner argues that it would have been obvious to modify the brake system of Kade to incorporate yaw rate and lateral acceleration as control parameters. Regarding Claim 21, the Examiner argues that the choice of a particular axle for friction or non-regenerative braking would have been obvious. Finally, regarding Claim 21, the Examiner argues that the use of target and actual vehicle yaw rates would have been obvious. Applicant respectfully traverses this rejection of Claims 17, 18 and 21 and requests that these claims be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Applicant respectfully submits that neither Kade, nor Tatara, whether taken singly, or in combination with each other, either teach or suggest Applicant's claimed invention as set forth in Claims 17, 18 and 21 because as described previously, Kade teaches the use of ABS to reduce braking on an axle, rather than increasing braking on a single wheel after reducing regenerative braking on another axle, as claimed by Applicant. Moreover, Tatara is devoid of any notion of decreasing regenerative braking while increasing friction braking on a single wheel of a different axle. As a result, neither Kade nor Tatara, whether taken singly, or in combination with each other, either teach or suggest Applicant's claimed invention and each of Claims 17, 18 and 21 should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

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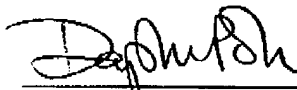
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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being fax to (703) 872-9306, Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1st day of June 2004.


Daphne Poon